

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUBO et al.	Examiner:	LOEWE, s.
Serial No.:	10/574048	Group Art Unit:	1626
Filed:	May 12, 2006	Docket:	8279.1211USWO
Title:	THIAZOLINE DERIVATIVE AND USE OF THE SAME		

CERTIFICATE OF TRANSMISSION

I hereby certify that the papers listed below are being transmitted by EFS Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 22 DECEMBER 2008.

By:

Name: Heidi McCarty

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND INTERVIEW
SUMMARY**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Copies of any foreign patent documents or "Other Documents" are enclosed.

Applicants respectfully bring to the Examiner's attention that the reference listed on the enclosed Form 1449 was cited in a Supplementary Partial European Search Report dated 18 November 2008. A copy of the Search Report is enclosed herewith.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed
(CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
 - ☐ the requisite Statement is below, OR
 - ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☒ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

STATEMENT

Applicants hereby state that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement

- ☐ If this box is checked, Applicant provides the following:

Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

INTERVIEW SUMMARY

The undersigned confirms the telephone discussions with the Examiner on 5 November 2008. The Examiner had raised possible 35 USC 112 issues for Claims 10 and 19. During the discussions, it was determined that Claim 10 was acceptable. The undersigned authorized the cancellation of Claim 19 without concluding the correctness of the Examiner's position and without prejudice to pursuing Claim 19 in a continuing application.

FEE AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.

P.O. Box 2902

Minneapolis, MN 55402-0902

(612) 455-3800

Dated: 22 December 2008

By: 

Douglas P. Mueller

Reg. No. 30,300

DPM:hjm